

Policy Document: RCA Fair Hearing Process

June 20, 2022

18.2.7 RCA Fair Hearing Process

The state will use the following fair hearing procedure: ~~outlined in the [Income Maintenance Manual](#).~~

All new text below:

When an RCA applicant or recipient disagrees with an agency's action (on his/her request for benefits, amount of benefits, overpayment or termination), an agreement is often reached through an adjustment of the benefit or explanation of the program rules by the agency. However, if no agreement is reached, the applicant/recipient may request an administrative review by the Division of Hearings and Appeals through the fair hearing process.

Hearings serve to:

1. Interpret the program to dissatisfied clients.
2. Bring the applicant/recipient, the agency and state authorities into discussion for a better understanding of problems.
3. Resolve factual disputes.
4. Clarify policies and their application in relation to laws and regulations.
5. Review policies in program administration and reveal those which require clarification or revision.
6. Promptly remedy unfair treatment, mistaken or arbitrary action and negligence.

The hearing process is not intended to be a substitute for responsible administration. Neither good nor bad administration is necessarily reflected in the number of hearings involving any one agency. For example, an applicant/recipient may request a hearing as a protest against a requirement which is not within the agency's power to adjust.

Applicants/recipients must request fair hearings in writing, using the Request for Fair Hearing form (found [here](#)). All hearing requests must then be forwarded to the Division of Hearings and Appeals (DHA). DHA will schedule a hearing upon receipt of the hearing request.

DHA's mailing address is:

Division of Hearings and Appeals
P.O. Box 7875
Madison, WI 53707-7875

Fax (608) 264-9885

Email: DHAMail@wisconsin.gov

If the written request is received by the agency, promptly forward it to DHA at the above address.

DHA has jurisdiction to conduct hearings for RCA when the hearing request is received by DHA within 45 days of the action effective date. A hearing must be held to determine if or when an applicant/recipient received the notice of adverse action even if the agency, whose action is being appealed, believes that a request was not timely.

Fair Hearing Dismissal

DHA may dismiss a request at the hearing if the action is a result of a change in federal or state law or policy affecting a significant number of clients unless a client questions its application specific to his/her case.

When a hearing request is dismissed, DHA will notify the client.

Expediting Fair Hearings

DHA may expedite any hearing request from an applicant/recipient who plans to move from the hearing officer's jurisdiction (e.g., migrant worker) before a decision would normally be issued. If necessary, DHA may process the request faster than other requests so the client can receive a decision and any restored benefits before s/he leaves your area.

Group Fair Hearings

A group of individuals may request a group hearing if individual issues of fact are not disputed and the sole issue being appealed is a state, federal law, or policy. DHA may also consolidate several hearings on the same topic into one, but only on questions of policy. Procedures for group hearings are the same as in individual hearings.

Overpayment Disputes

The right to appeal the collection of an overpayment is limited to only one hearing request, per overpayment claim, and is limited to:

- Determination of the overpayment amount (at the time of the overpayment determination and/or during the collection process)
- Determination of the overpayment amount still owed during the collection process

Any subsequent appeal requests must be limited to questions of prior payment of debt that the agency or DWD is proceeding against, or mistaken identity of the debtor.